

☒ Original ☐ Amendment

LEGISLATIVE RESOURCE CENTER

U.S. House of Representatives
Committee on Ethics

18 NOV -7 PM 4:10

EMPLOYEE POST-TRAVEL DISCLOSURE FORM

This form is for disclosing the receipt of travel expenses from private sources for travel taken in connection with official duties. This form does not eliminate the need to report privately-funded travel on the annual Financial Disclosure Statements of those employees required to file them. In accordance with House Rule 25, clause 5, you must complete this form and file it with the Clerk of the House, 135 Cannon House Office Building, within 15 days after travel is completed. Please do not file this form with the Committee on Ethics.

NOTE: Willful or knowing misrepresentations on this form may be subject to criminal prosecution pursuant to 18 U.S.C. § 1001.

1. Name of Traveler: Gordon M. Clay
2. a. Name of accompanying relative: _____ or None ☒
b. Relationship to Traveler: ☐ Spouse ☐ Child ☐ Other (specify): _____
3. a. Dates of departure and return: Departure: Oct. 25, 2018 Return: Oct. 26, 2018
b. Dates at personal expense (if any): _____ or None ☒
4. Departure city: Washington, DC Destination: New York, NY Return city: Washington, DC
5. Sponsor(s) (who paid for the trip): National Center on Philanthropy and the Law
6. Describe meetings and events attended: Attended tax conference relating to qualification for Federal tax-exempt status focusing on the Federal "public policy" doctrine, as well as an related lunch, dinner, and reception.
7. Attached to this form are EACH of the following (signify that each item is attached by checking the corresponding box):
 - a. ☒ a completed Sponsor Post-Travel Disclosure Form;
 - b. ☒ the Primary Trip Sponsor Form completed by the trip sponsor prior to the trip, including all attachments and Grantmaking or Non-Grantmaking Sponsor Forms;
 - c. ☒ page 2 of the completed Traveler Form submitted by the employee; and
 - d. ☒ the letter from the Committee on Ethics approving my participation on this trip.
8. a. I represent that I participated in each of the activities reflected in the attached sponsor's agenda. (Signify that statement is true by checking box): ☒
b. If not, explain: _____

I certify that the information contained on this form is true, complete, and correct to the best of my knowledge.

SIGNATURE OF TRAVELER: Gordon M. Clay DATE: Nov. 6, 2018

I authorized this travel in advance. I have determined that all of the expenses listed on the attached Sponsor Post-Travel Disclosure form were necessary and that the travel was in connection with the employee's official duties and would not create the appearance that the employee is using public office for private gain.

NAME OF SUPERVISING MEMBER: Kevin Brady DATE: NOV 07 2018

SIGNATURE OF SUPERVISING MEMBER: Kevin Brady

Version date 2/2015 by Committee on Ethics

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U.S. House of Representatives
Committee on Ethics

SPONSOR POST-TRAVEL DISCLOSURE FORM

This form must be completed by an officer of any organization that served as the primary trip sponsor in providing travel expenses or reimbursement for travel expenses to House Members, officers, or employees under House Rule 25, clause 5. *A completed copy of the form must be provided to each House Member, officer, or employee who participated on the trip within 10 days of their return.* You must answer all questions, and check all boxes, on this form for your submission to comply with House rules and the Committee's travel regulations. Failure to comply with this requirement may result in the denial of future requests to sponsor trips and/or subject the current traveler to disciplinary action or a requirement to repay the trip expenses.

NOTE: Willful or knowing misrepresentations on this form may be subject to criminal prosecution pursuant to 18 U.S.C. § 1001.

1. Sponsor(s) (who paid for the trip): National Center on Philanthropy and the Law
2. Travel Destination(s): New York University School of Law, 108 West Third Street, New York, NY 10012
3. Date of Departure: 10/25/2018 Date of Return: 10/26/2018
4. Name(s) of Traveler(s): Gordon M. Clay, Esq.
(NOTE: You may list more than one traveler on a form only if all information is identical for each person listed.)
5. Actual amount of expenses paid on behalf of, or reimbursed to, each individual named in response to Question 4:

	Total Transportation Expenses	Total Lodging Expenses	Total Meal Expenses	Other Expenses (dollar amount per item and description)
Traveler	\$196	\$399	\$105	
Accompanying Relative				

6. All expenses connected to the trip were for actual costs incurred and not a *per diem* or lump sum payment. (Signify statement is true by checking box): ☒

I certify that the information contained in this form is true, complete, and correct to the best of my knowledge.

Signature: Jill Manny
Name: Professor Jill S. Manny Title: Executive Director/Professor of Law
Organization: National Center on Philanthropy and the Law

I am an officer of the above-named organization (signify statement is true by checking box): ☒

Address: 139 MacDougal Street, First Floor

New York, NY 10012

Telephone number: (212) 998-6272

Email Address: jill.manny@nyu.edu

Committee staff may contact the above-named individual if additional information is required.

If you have questions regarding your completion of this form, please contact the Committee on Ethics at (202) 225-7103.

U.S. House of Representatives
Committee on Ethics

TRAVELER FORM

1. Name of Traveler: Gordon M. Clay
2. Sponsor(s) (who will be paying for the trip): National Center on Philanthropy and the Law
3. Travel destination(s): New York, NY
4. a. Date of departure October 25, 2018 Date of return: October 26, 2018
b. Will you be extending the trip at your personal expense? ☐ Yes ☒ No
If yes, dates at personal expense: _____
5. a. Will you be accompanied by a relative at the sponsor's expense? ☐ Yes ☒ No
b. If yes:
(1) Name of accompanying relative: _____
(2) Relationship to traveler: ☐ Spouse ☐ Child ☐ Other (specify): _____
(3) Accompanying relative is at least 18 years of age: ☐ Yes ☐ No
6. a. Did the trip sponsor answer "yes" to Question 9(d) on the Primary Trip Sponsor Form (i.e., travel is sponsored by an entity that employs a registered federal lobbyist or foreign agent and you are requesting lodging for two nights)? ☐ Yes ☒ No
b. If yes, explain why the second night of lodging is warranted:

7. Primary Trip Sponsor Form is attached, including agenda, invitee list, and any other attachments and contributing sponsor forms: ☒ Yes ☐ No
NOTE: The agenda should show the traveler's individual schedule, including departure and arrival times and identify the specific events in which the traveler will be participating.
8. Explain why participation in the trip is connected to the traveler's individual official or representational duties. Staff should include their job title and how the activities on the itinerary relate to their duties.
As Sr. Legislation Counsel for the JCT, I work on tax policy issues
related to the charitable sector. The program will involve discussions of
issues related to qualification for tax-exempt status.
9. Is the traveler aware of any registered federal lobbyists or foreign agents involved in planning, organizing, requesting, and/or arranging the trip? ☐ Yes ☒ No

10. **FOR STAFF TRAVELERS:**

TO BE COMPLETED BY YOUR EMPLOYING MEMBER:

ADVANCED AUTHORIZATION OF EMPLOYEE TRAVEL

I hereby authorize the individual named above, an employee of the U.S. House of Representatives who works under my direct supervision, to accept expenses for the trip described in this request. I have determined that the above-described travel is in connection with my employee's official duties and that acceptance of these expenses will not create the appearance that the employee is using public office for private gain.

Date: 9/17/18


Signature of Employing Member

U.S. House of Representatives
Committee on Ethics

PRIMARY TRIP SPONSOR FORM

This form should be completed by private entities offering to provide travel or reimbursement for travel to House Members, officers, or employees under House Rule 25, clause 5. A completed copy of the form (and any attachments) should be provided to each invited House Member, officer, or employee, who will then forward it to the Committee together with a Traveler Form at least 30 days before the start date of the trip. The trip sponsor should NOT submit the form directly to the Committee. The Committee Web site (ethics.house.gov) provides detailed instructions for filling out the form.

NOTE: Willful or knowing misrepresentations on this form may be subject to criminal prosecution pursuant to 18 U.S.C. § 1001. Failure to comply with the Committee's Travel Regulations may also lead to the denial of permission to sponsor future trips.

1. Sponsor (who will be paying for the trip): _____
National Center on Philanthropy and the Law (NCPL)
2. I represent that the trip will not be financed (in whole or in part) by a registered federal lobbyist or foreign agent (signify that the statement is true by checking box): ☒ or
3. Check only one: I represent that:
 - a. the primary trip sponsor has not accepted from any other source funds intended directly or indirectly to finance any aspect of the trip ☒ or
 - b. the trip is arranged without regard to congressional participation and the primary trip sponsor has accepted funds only from entities that will receive a tangible benefit in exchange for those funds ☐ or
 - c. the primary trip sponsor has accepted funds from other source(s) intended directly or indirectly to finance all or part of this trip and has enclosed disclosure forms from each of those entities. ☐If "c" is checked, list the names of the additional sponsors: _____
4. Provide names and titles of ALL House Members and employees you are inviting. For each House invitee, provide an explanation of why the individual was invited (include additional pages if necessary):
Gordon Clay, Esq., Legislation Counsel, The Joint Committee on Taxation. Mr. Clay has been invited as a participant in a conference on requirements for qualification for exemption under I.R.S.501(c)(3)
5. Is travel being offered to an accompanying relative of the House invitee(s)? ☐ Yes ☒ No
6. Date of departure: Thursday, October 25, 2018 Date of return: Friday, October 26, 2018
7. a. City of departure: Washington, DC
b. Destination(s): New York, NY
c. City of return: Washington, DC
8. I represent that (check one of the following):
 - a. The sponsor of the trip is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965: ☒ or
 - b. The sponsor of the trip does not retain or employ a registered federal lobbyist or foreign agent: ☐ or
 - c. The sponsor employs or retains a registered federal lobbyist or foreign agent, but the trip is for attendance at a one-day event and lobbyist/foreign agent involvement in planning, organizing, requesting, or arranging the trip was *de minimis* under the Committee's travel regulations. ☐
9. Check one of the following:
 - a. I checked 8(a) or (b) above: ☒
 - b. I checked 8(c) above but am not offering any lodging: ☐
 - c. I checked 8(c) above and am offering lodging and meals for one night: ☐ or
 - d. I checked 8(c) above and am offering lodging and meals for two nights: ☐If "d" is checked, explain why the second night of lodging is warranted: _____

10. Attached is a detailed agenda of the activities the House invitees will be participating in during the travel (i.e., an hourly description of planned activities for trip invitees) (indicate agenda is attached by checking box): ☒

11. Check one:

a. I represent that a registered federal lobbyist or foreign agent will not accompany House Members or employees on any segment of the trip (signify that the statement is true by checking box): ☒ or

b. N/A - trip sponsor is a U.S. institution of higher education. ☐

12. For each sponsor required to submit a sponsor form, describe the sponsor's interest in the subject matter of the trip and its role in organizing and/or conducting the trip:

The NCPL is organized and operated under I.R.S. Code sections 501(c)(3) and 509(a)(3). The NCPL holds annual conferences to explore a broad range of legal issues affecting the nation's

nonprofit sector. The annual conferences provide an integrated examination of the legal doctrines related to the activities of charitable organizations. Mr. Clay has been invited

as a participant in a conference on requirements for qualification for exemption under I.R.S. 501(c)(3)

13. Answer parts a and b. Answer part c if necessary.

a. Mode of travel: Air ☐ Rail ☒ Bus ☐ Car ☐ Other ☐ (Specify: _____)

b. Class of travel: Coach ☒ Business ☒ First ☐ Charter ☐ Other ☐ (Specify: _____)

c. If travel will be first class or by chartered or private aircraft, explain why such travel is warranted:

14. I represent that the expenditures related to local area travel during the trip will be unrelated to personal or recreational activities of the invitee(s). (signify that the statement is true by checking box): ☒

15. I represent that either (check one of the following):

a. The trip involves an event that is arranged or organized without regard to congressional participation and that meals provided to congressional participants are similar to those provided to or purchased by other event attendees: ☒ or

b. The trip involves events that are arranged specifically with regard to congressional participation: ☐

If "b" is checked:

1) Detail the cost per day of meals (approximate cost may be provided): _____

2) Provide reason for selecting the location of the event or trip: _____

16. Name, nightly cost, and reasons for selecting each hotel or other lodging facility:

Hotel name: 11 Howard City: New York Cost per night: \$399

Reason(s) for selecting: 11 Howard is walking distance to the conference and offered a reasonable group rate to the NCPL

Hotel name: _____ City: _____ Cost per night: _____

Reason(s) for selecting: _____

Hotel name: _____ City: _____ Cost per night: _____

Reason(s) for selecting: _____

17. I represent that all expenses connected to the trip will be for actual costs incurred and not a per diem or lump sum payment. (signify that the statement is true by checking box): ☒

18. **TOTAL EXPENSES FOR EACH PARTICIPANT:**

<input type="checkbox"/> actual amounts <input checked="" type="checkbox"/> good faith estimates	Total Transportation Expenses per Participant	Total Lodging Expenses per Participant	Total Meal Expenses per Participant
For each Member, Officer, or employee	350	\$400	
For each accompanying relative			

	Other Expenses (dollar amount per item)	Identify Specific Nature of "Other" Expenses (e.g., taxi, parking, registration fee, etc.)
For each Member, Officer, or employee	\$40	Taxi or car service
For each accompanying relative		

NOTE: Willful or knowing misrepresentations on this form may be subject to criminal prosecution pursuant to 18 U.S.C. § 1001.

19. Check one:

- a. I certify that I am an officer of the organization listed below. ☒ *or*
b. N/A – sponsor is an individual or a U.S. institution of higher education. ☐

20. I certify that I am not a registered federal lobbyist or foreign agent for any sponsor of this trip. ☒

21. I certify by my signature that the information contained in this form is true, complete, and correct to the best of my knowledge.

Signature: *Jill S. Manny*

Name: Professor Jill S. Manny

Title: Professor of Law; NCPL Executive Director

Organization: NYU School of Law, NCPL

Address: 139 MacDougal Street, 1st Floor New York, NY 10012

Telephone number: (212) 998-6272

Email address: Jill.Manny@nyu.edu

If there are any questions regarding this form please contact the Committee at the following address:

Committee on Ethics
U.S. House of Representatives
1015 Longworth House Office Building
Washington, DC 20515
(202) 225-7103 (phone)
(202) 225-7392 (general fax)

Susan W. Brooks, Indiana
Chairwoman
Theodore E. Deutch, Florida
Ranking Member

Kenny Marchant, Texas
Leonard Lance, New Jersey
Mimi Walters, California
John Ratcliffe, Texas

Yvette D. Clarke, New York
Jared Polis, Colorado
Anthony Brown, Maryland
Steve Cohen, Tennessee



ONE HUNDRED FIFTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

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Staff Director and Chief Counsel

Donna Herbert
Director of Administration

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Counsel to the Ranking Member

1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone (202) 225-7103
Facsimile (202) 225-7392

October 24, 2018

Mr. Gordon Clay
Joint Committee On Taxation
H2-502 Ford House Office Building
Washington, DC 20515

Dear Mr. Clay:

Pursuant to House Rule 25, clause 5(d)(2), the Committee on Ethics hereby approves your proposed trip to New York, New York, scheduled for October 25 to 26, 2018, sponsored by National Center on Philanthropy and the Law (NCPL).

You must complete an Employee Post-Travel Disclosure Form (which your employing Member must also sign) and file it, together with a Sponsor Post-Travel Disclosure Form completed by the trip sponsor, with the Clerk of the House within 15 days after your return from travel. As part of that filing, you are also required to attach a copy of this letter and both the Traveler and Primary Trip Sponsor Forms (including attachments) you previously submitted to the Committee in seeking pre-approval for this trip. If you are required to file an annual Financial Disclosure Statement, you must also report all travel expenses totaling more than \$390 from a single source on the "Travel" schedule of your annual Financial Disclosure Statement covering this calendar year. Finally, Travel Regulation § 404(d) also requires you to keep a copy of all request forms and supporting information provided to the Committee for three subsequent Congresses from the date of travel.

If you have any further questions, please contact the Committee's Office of Advice and Education at extension 5-7103.

Sincerely,

Susan W. Brooks
Chairwoman

Theodore E. Deutch
Ranking Member

SWB/TED:re

AGENDA

REVISITING BOB JONES UNIVERSITY: SEEKING CLARITY ON FUNDAMENTAL PUBLIC POLICY AFTER 35 YEARS

October 25 – 26, 2018

Thursday, October 25, 2018

2:00 p.m. - 3:30 p.m.

Qualification as Charity: Line Drawing and Analytical Structure

Harvey P. Dale, *Presenter*
Johnny Rex Buckles, *Commentator*
Stephen Schwarz, *Commentator*

4:00 p.m. - 5:30 p.m.

Fundamental Public Policy Requirement for Charities

Richard L. Schmalbeck, *Presenter*
Ellen P. Aprill, *Commentator*
David Pozen, *Commentator*

5:30 p.m. - 6:30 p.m.

RECEPTION

6:30 p.m. - 8:30 p.m.

DINNER

Friday, October 26, 2016

9:00 a.m. - 10:30 a.m.

Fundamental Public Policy for Churches: Arguments and
Problems

Lloyd Hitoshi Mayer, *Presenter*
Mark E. Chopko, *Commentator*
Boyd Black, *Commentator*

11:00 a.m. - 12:30 p.m.

Enforcement Issues and Standing Issues

Marcus S. Owens, *Presenter*
Evelyn Brody, *Commentator*
John D. Colombo, *Commentator*

12:30 p.m. - 2:00 p.m.

LUNCH

2:00 p.m. - 3:30 p.m.

Common Law Perspectives on Fundamental Public Policy

Australia: Myles McGregor-Lowndes
Canada: Adam Parachin
UK: Debra J. Morris

3:30 p.m.

SHERRY BAR

Full Name	Organization
Professor Ellen Aprill	Loyola Law School
Professor Robert Atkinson	Florida State University College of Law
Diana Aviv	Diana Aviv Consultants: Leadership, Strategy, Social Innovation
Boyd Black, Esq.	The Church of Jesus Christ of Latter-day Saints
Hillary Bounds, Esq.	Chan Zuckerberg Initiative
Bonnie S. Brier, Esq.	
Professor Evelyn Brody	Chicago-Kent College of Law
Susan D. Brown, Esq.	Internal Revenue Service
Professor Samuel Brunson	Loyola University Chicago School of Law
Professor Johnny Rex Buckles	University of Houston Law Center
Ricardo Castro, Esq.	International Rescue Committee
Mark Chopko, Esq.	Stradley Ronon Stevens & Young, LLP
Gordon M. Clay, Esq.	The Joint Committee on Taxation
Professor Roger Colinvaux	Columbus School of Law
Professor John D. Colombo	University of Illinois College of Law
Professor Harvey P. Dale	New York University School of Law
Sean Delany	Lawyers Alliance
Professor Miranda Perry Fleischer	University of San Diego School of Law
Professor Joel L. Fleishman	Sanford School of Public Policy
Professor Miriam Galston	The George Washington University Law School
Professor Susan N. Gary	University of Oregon School of Law
Karin Gross, Esq.	Internal Revenue Service
Professor Daniel I. Halperin	Harvard Law School
Professor Jill R. Horwitz	UCLA School of Law
Victoria A. Judson, Esq.	Internal Revenue Service
Lawrence P. Katzenstein, Esq.	Thompson Coburn LLP
Daniel L. Kurtz, Esq.	Pryor Cashman LLP
Professor Benjamin M. Leff	American University Washington College of Law
Ruth M. Madrigal, Esq.	Streptoe & Johnson LLP
Douglas M. Mancino, Esq.	Seyfarth Shaw LLP
Professor Jill S. Manny	New York University School of Law
Professor Lloyd Mayer	University of Notre Dame Law School

Suzanne Ross McDowell, Esq.	Steproe & Johnson LLP
Professor Myles McGregor-Lowndes	Queensland University of Technology
Lawrence Mendenhall, Esq.	Humanity United
Steven T. Miller	alliantgroup
Professor Debra J. Morris	University of Liverpool School of Law and Social Justice
Marcus S. Owens, Esq.	Loeb and Loeb
Mark A. Pacella, Esq.	Pennsylvania Office of Attorney General
Professor Adam Parachin	Osgoode Hall Law School, York University
Professor David Pozen	Columbia Law School
Elinor C. Ramey, Esq.	Office of Tax Policy, U.S. Department of Treasury
Douglas Rutzen, Esq.	The International Center for Not-for-Profit Law
John Sare, Esq.	Patterson Belknap Webb & Tyler LLP
Professor S. Andrew Schaffer	New York University School of Law
Professor Richard L. Schmalbeck	Duke University School of Law
Thomas C. Schroeder	University of California
Professor Stephen Schwarz	Hastings College of the Law
Gail Aidinoff Scovell, Esq.	Open Society Foundations
James G. Sheehan, Esq.	Charities Bureau, Office of the New York State Attorney General
David A. Shevlin, Esq.	Simpson Thacher & Bartlett LLP
Adelbert L. Spitzer, Esq.	Ropes & Gray LLP
C. Eugene Steuerle, Ph.D.	Urban Institute
Professor Linda Sugin	Fordham University School of Law
Robert A. Wexler, Esq.	Adler & Colvin
LaVerne Woods, Esq.	Davis Wright Tremaine